

5/7/2021 - Separate item brought up by Nathan Moore at end of the meeting:

Corps used to provide formal JDs as well as non-WOTUS waters. Now Nathan can't get them to share that info for non-JD

Corps issues permits based on preliminary JDs. They told Nathan they will no longer issue JDs where the waters are not jurisdictional under WOTUS. Corps are no longer issuing permits based on assumed JDs.

- If Corps does issue a permit but later find out it's not a WOTUS, (b) (5) DP [REDACTED]. State accepts Corps permits in place of state permits.
- State is considering a policy where they would - not clear ??
- Are there any cases at EPA where changed WOTUS pulled the rug out and the case failed - that would help Nathan in pushing the issue up to his senior management and legislature.